

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

David Green,)	
)	
Petitioner,)	C/A No. 1:18-3542-TMC
)	
v.)	
)	ORDER
Director J. Vandermosten;)	
Administrator S. Bodiford; and)	
Israel Holiser,)	
)	
Respondents.)	
_____)	

Petitioner David Green, an inmate proceeding pro se, filed a petition seeking habeas relief pursuant to 28 U.S.C. § 2241. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. On December 27, 2018, the magistrate judge issued an order notifying Petitioner that his § 2241 habeas petition was subject to dismissal because he failed to allege sufficient facts to show that exceptional circumstances existed to justify federal review of his pending state criminal proceedings. (ECF No. 6). Petitioner filed an Amended Petition. (ECF No. 8). Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the Amended Petition be dismissed with prejudice. (ECF No. 12). The parties were advised of their right to file objections. (ECF No. 12 at 7). However, no objections have been filed, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections to the Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather,

“in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review, the court finds no clear error and, therefore, adopts the Report (ECF No. 12) and incorporates it herein by reference. Therefore, this habeas action is **DISMISSED with prejudice.**

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

January 31, 2019
Anderson, South Carolina